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3 | Large Audience Display Systems LLC

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

LARGE AUDIENCE DISPLAY SYSTEMS, LLC

) Case No. CV 11-03398 AHM (RZx)

Plaintiff,

DECLARATION OF MICHAEL G.
BURK IN SUPPORT OF
PLAINTIFF'S OPPOSITION TO
DEFENDANTS' MOTION TO STAY
PENDING OUTCOME OF
REEXAMINATION

VS.

TENNNMAN PRODUCTIONS, LLC,
JUSTIN TIMBERLAKE, THE LOS
ANGELES LAKERS, INC., BRITNEY
TOURING, INC., BRITNEY SPEARS,
STEVE DIXON and MUSIC TOUR
MANAGEMENT, INC.,

Hearing Date: January 9, 2012
Hearing Time: 10:00 a.m.
Place: Courtroom 14
Hon. A. Howard Matz

Defendants.

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2 1. My name is Michael G. Burk. I am over the age of 21, of sound mind,
3 and competent to make this declaration. I am the lead counsel of record for Plaintiff
4 Large Audience Display Systems LLC (“LADS”) in the above-mentioned proceeding.
5 I submit this Declaration in support of Plaintiff’s opposition to Defendants’ *Motion for*
6 *Stay Pending Outcome of Reexamination*. I have personal knowledge of the facts
7 contained herein.

8 2. LADS filed this lawsuit in the Eastern District of Texas on November 11,
9 2009. Defendants waited until November 11, 2011, a full two years after the filing of
10 this lawsuit, to file their Request for Reexamination with the United States Patent
11 Office.

12 3. Defendants’ accused infringing products are not mass-produced and sold
13 worldwide. The Defendants’ infringing large audience display systems are custom-
14 built systems believed to cost hundreds of thousands of dollars and which involve
15 numerous components (*e.g.*, large displays, huge structures for supporting the displays,
16 projection systems, mechanical components for controlling the displays, complex
17 sound and computer systems, etc.).

18 4. According to an e-mail dated October 11, 2011 from counsel for
19 Defendants Tennman Productions, LLC, Justin Timberlake, Britney Touring, Inc., and
20 Britney Spears (a true and correct copy of which is attached hereto as **Exhibit 1**) and
21 my telephone conversations with such counsel, those Defendants no longer possess the
22 components for their infringing systems. According to this attached e-mail from
23 counsel for Defendants Tennman Productions, LLC, Justin Timberlake, Britney
24 Touring, Inc., and Britney Spears and my telephone conversations with such counsel,
25 the components were leased from third parties and returned after the end of their
26 respective tours. It is my understanding that employees hired by Defendants Tennman
27 Productions, LLC, Justin Timberlake, Britney Touring, Inc., and Britney Spears for the
28

1 tours were under contract for the specific tours, and, once those tours ended, the
2 employees moved on to other opportunities.

3 5. Discovery has begun in this case after the long motion to transfer venue
4 proceedings that resulted in the transfer of this case from the Eastern District of Texas
5 to this Court. Initial disclosures have been made by all of the parties and Plaintiff has
6 sent Defendants requests for production, interrogatories, and deposition notices. After
7 having requested and received Plaintiff's agreement to several extensions of time,
8 Defendants will be responding to requests for production and interrogatories prior to
9 the hearing on Defendants motion to stay, and by agreement of the parties in order to
10 avoid a motions practice, depositions will follow shortly thereafter if this Court denies
11 Defendants' *Motion to Stay*. Additionally, the Court has already set a trial date.

12 | 6. Attached hereto are true and correct copies of the following documents:

Exhibit 1: 10/21/11 Email from Andrew Langsam

Exhibit 2: United States Patent No. 6,669,346 (the “346 Patent”)

Exhibit 3: *Inter Partes* Reexamination Filing Data – September 30, 2011

Exhibit 4: USPTO Fiscal Year 2011 Performance Measures

Exhibit 5: US Court of Appeals for the Federal Circuit Median Time to Disposition in Cases Terminated After Hearing or Submission

Exhibit 6: Declaration of Steve Dixon

Exhibit 7: Declaration of Kevin Bilida

Exhibit 8: Declaration of James L. Perzik

Exhibit 9: United States Patent No. 6,280,341 B1 (“Hayashi”)

1 I declare under penalty of perjury of the laws of the United States of America
2 that the foregoing is true and correct."

3 Executed on December 8, 2011.
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6 Michael G. Burk
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